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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2010-3201

13 **JIGNABEN DINESHBHAI PATEL**
14 **1514 W. Mission Blvd**
15 **Ontario, CA 91762**

A C C U S A T I O N

Vocational Nurse License No. VN 240935

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs (Board).

22 2. On or about March 25, 2009, the Board issued Vocational Nurse License No. VN
23 240935 to Jignaben Dineshbhai Patel (Respondent). The Vocational Nurse License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on November
25 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety
2 Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in
3 a manner dangerous or injurious to himself or herself, any other person, or the public, or to the
4 extent that the use impairs his or her ability to conduct with safety to the public the practice
5 authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
7 drug, or the prescription, consumption, or self-administration of any of the substances described
8 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
9 conclusive evidence thereof. . . ."

10 **REGULATORY PROVISION**

11 9. California Code of Regulations, title 16, section 2521 states, in pertinent part:

12 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
13 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
14 considered to be substantially related to the qualifications, functions or duties of a licensed
15 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
16 vocational nurse to perform the functions authorized by his license in a manner consistent with
17 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
18 involving the following:

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20 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
21 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
22 Business and Professions Code. . . ."

23 **COST RECOVERY**

24 10. Section 125.3 provides that the Board may request the administrative law judge to
25 direct a licensee found to have committed a violation or violations of the licensing act to pay a
26 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under sections 490 and 2878,
4 subdivision (f), in that on or about November 3, 2011, Respondent was convicted of a crime
5 substantially related to the qualifications, functions or duties of a licensed vocational nurse which
6 to a substantial degree evidences her present or potential unfitness to perform the functions
7 authorized by her license in a manner consistent with the public health, safety, or welfare. The
8 circumstances of the conviction are as follows:

9 a. On or about November 3, 2011, after pleading nolo contendere, Respondent was
10 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with an
11 equal to or greater than 0.08% blood alcohol content (BAC)] in the criminal proceeding entitled
12 *The People of the State of California v. Jignaben Dineshbhai Patel* (Super. Ct. Los Angeles
13 County, 2011, No. 1JB05771). Respondent admitted to having a blood concentration of 0.15 or
14 higher on February 18, 2011, and admitted to sustaining, on or about June 7, 2007, a prior driving
15 under the influence of alcohol conviction. The Court sentenced Respondent to ten (10) days jail,
16 placed him on 48 months probation, ordered her to complete an 18-Month Alcohol Program,
17 ordered him to complete the M.A.D.D. (Mothers Against Drunk Drivers) Program, and ordered to
18 comply with the Department of Motor Vehicles installation of an ignition interlock device.

19 b. The circumstances underlying the conviction are that on or about February 18, 2011,
20 Respondent was stopped by a California Highway Patrol (CHP) after he observed her driving up
21 the westbound onramp of the I-10 freeway that was closed due to construction. The westbound
22 onramps from Puente Avenue to Fraser Street of the I-10 freeway were closed with the use of
23 traffic cones, horses, and "Road Closed" signs. Upon questioning Respondent, the CHP officer
24 smelled the odor of alcohol from her breath, observed that her eyes were red and watery, and
25 noted that her speech was mumbled. Respondent admitted that she had "one drink". Respondent
26 failed the field sobriety tests and preliminary alcohol screening tests reflected a blood alcohol
27 level of .181%. Respondent was subsequently arrested for driving under the influence of alcohol.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Alcohol Related Conviction)**

3 12. Respondent is subject to disciplinary action under section 2878, subdivisions (a),
4 and 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that on or about
5 November 3, 2011, Respondent was convicted of a crime involving the consumption of alcoholic
6 beverages. Complainant refers to and by this reference incorporates the allegations set forth
7 above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 13. Respondent is subject to disciplinary action under sections 2878, subdivisions (a),
11 and 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about
12 February 18, 2011, Respondent dangerously used alcoholic beverages to an extent or in a manner
13 dangerous or injurious to herself or others. Complainant refers to and by this reference
14 incorporates the allegations set forth above in paragraphs 11 and 12, inclusive, as though set forth
15 fully.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct / Violate the Act)**

18 14. Respondent is subject to disciplinary action under section 2878, subdivisions (a) and /
19 or (d), in the Respondent committed acts of unprofessional conduct, and / or acts violating the
20 Vocational Nursing Practice Act. Complainant refers to and by this reference incorporates the
21 allegations set forth above in paragraphs 11 - 13, inclusive, as though set forth fully.

22 **DISCIPLINE CONSIDERATIONS**

23 15. To determine the degree of discipline, Complainant alleges that:

24 a. On or about February 26, 2009, prior to the Board issuing Respondent's vocational
25 nurse license, the Board issued a notice of warning letter to Respondent about her sustained
26 driving while under the influence criminal conviction being substantially related and disciplinary
27 results for future violations.

28 b. On or about June 7, 2007, after pleading guilty, Respondent was convicted of one

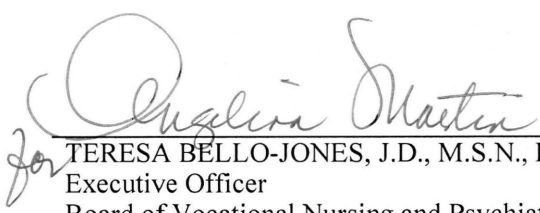
1 misdemeanor count of violating Vehicle Code section 23152(a) [drive while under the influence
2 of alcohol/drugs] in the criminal proceeding entitled *The People of the State of California v.*
3 *Jignaben Dineshbhai Patel* (Super. Ct. Orange County, 2007, No. 07NM00701MA). The Court
4 placed Respondent on three (3) years probation, ordered her to complete a 3-Month First
5 Offender Alcohol Program, and ordered her to complete M.A.D.D.'s V.I.P. (Victim Impact
6 Panel). The circumstances underlying the conviction occurred on or about December 23, 2006,
7 when Respondent admitted to drinking alcoholic beverages and driving her vehicle with a 17 year
8 old female passenger.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Vocational Nurse License No. VN 240935, issued to
13 Jignaben Dineshbhai Patel;
14 2. Ordering Jignaben Dineshbhai Patel to pay the Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to section 125.3; and
16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: May 31, 2013

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21 TERESA BELLO-JONES, J.D., M.S.N., R.N.
22 Executive Officer
23 Board of Vocational Nursing and Psychiatric Technicians
24 Department of Consumer Affairs
25 State of California
26 Complainant

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